Asbestos:

Regulations & Requirements

presented by

Kentucky Division for Air Quality

visit our website at http://www.air.ky.gov
What Is Asbestos?

- fibrous silicate mineral
- used in >3000 products
- insulating properties
- fireproofing properties
- tensile strength, yet soft
- plentiful
- readily available
- relatively inexpensive
- killer
Asbestos History

USES
- 2000 years ago: lamp wicks, tablecloths
- “rediscovered” in late 1800s in Canada
- early 1900s: thermal insulation (boilers, pipes)
- later 1900s: fireproofing, reinforcement filler

HEALTH
- 1927: asbestosis identified
- 1935: lung cancer found in asbestosis victims
- 1950s: mesothelioma linked to asbestos
- no known “safe” level
ASBESTOS REGULATIONS

USEPA

- 1973: USEPA’s asbestos NESHAP
- 1979: KY DAQ adopts NESHAP
- 1987: USEPA’s AHERA (schools)
- 1988: KY DAQ adopts NESHAP companion
- 1989: KY DAQ adopts its own AHERA regs

(OSHA)
DEFINITIONS

- friable (RACM): crumbles under hand pressure or under forces of renovation/demolition

- categories 1 & 2 nonfriables:
  - Cat 1 = Resilient flooring, asphalt roofing
  - Cat 2 = Cement siding, slate

- owner/operator: “…of a demolition or renovation activity”
DAQ ASBESTOS REGULATIONS
(Renovations/Demolitions)

401 KAR 58:025 (NESHAP)

- building inspections (asbestos surveys)
- prior written notifications
- abatement requirements
- disposal requirements

401 KAR 58:040 (NESHAP supplement)

- tiered abatement requirements
- contractor certification
- disposal and recordkeeping requirements
NESHAP REQUIREMENTS - #1

- thoroughly inspect affected area

(use accredited inspector if inside occupied building)
• **prior written notification**
  
  – 10 working days for >\textit{threshold}* renovations & ALL demolitions

  – next day for >\textit{threshold}* emergency renovations & ALL ordered demolitions

  – none required for smaller renovations, but “courtesy” notifications OK

\textit{*threshold: >160 sq., 260 ln., 35 cu. ft.}
NESHAP REQUIREMENTS - #3

• removal

  – threshold* amounts: adequately wet; labeled bags
  – under threshold: none required

NESHAP REQUIREMENTS - #4

• disposal
  – at approved landfill (threshold* only)
  – 6” cover or no visible emissions

REQUIREMENTS FOR ABATEMENT ENTITIES
(401 KAR 58:040)

- tiered work-practice requirements (NESHAP/non-NESHAP)
- certification (NESHAP removals)
- recordkeeping requirements
WORK PRACTICE REQUIREMENTS
(401 KAR 58:040)

• NESHAP renovations -- §4(1)
• demolitions (over threshold) -- §4(2)
• sub-threshold removals -- §4(3)
• alternatives (glovebags, variances) -- §4(4)
DANGER

ASBESTOS
CANCER AND LUNG DISEASE HAZARD

AUTHORIZED PERSONNEL ONLY

RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA
DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
CERTIFICATION
(401 KAR 58:040, §§1 & 3)

- **WHO?** entities doing NESHAP removals
- **issued to entity**
- **qualified supervisors listed**
- **listed supervisor must be onsite**
HOW TO GET CERTIFIED (initial)
(401 KAR 58:040, §§5, 8, 10)

• pass EPA-approved supervisor course
• attend DAQ Orientation Session
• submit completed form, fee & diploma
• schedule compliance demonstration
RECORDKEEPING REQUIREMENTS
(401 KAR 58:040, § 12)

• entity retains at least 6 years (OSHA=30)
• submit records to cabinet if requested
• include job supervisor's name & address
• include job location & dates
• include ACM type/amount
• include reasons for any schedule changes
• include description of abatement procedures
• include copies of notifications
• include disposal records and receipts
• include air-monitoring records
PENALTIES
(401 KAR 58:040, §13)

• warning or referral to Enforcement Division
• penalties pursuant to KRS 224.99
• up to $25,000/violation/day for civil
• criminal (willful) violations = Class D felony
Owensboro Region
Patrick Barker, Supervisor
Rebecca Elliott, Inspector
3032 Alvey Park Dr. W, Ste. 700
Owensboro, KY 42303
Phone: 270/687-7304
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1550 Wolohan Dr., Ste. 1
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Florence Region
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Drew Vargo, Inspector
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Frankfort Region
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Hazard/London Regions
Greg Ratliff, Supervisor
Steven Hall, Inspector
233 Birch St., Ste. 2
Hazard, KY 41701
Phone: 606/435-6022
FAX: 606/435-6025

Jefferson County AHERA Programs are administered out of the Division for Air Quality’s Frankfort Region – see listing elsewhere on this map.

Jefferson County NESHAP Programs are administered by a local agency:
Arthur L. Williams, Director
Louisville Metro Air Pollution Control
850 Barrett Ave., Ste. 200
Louisville, KY 40204-1745
Phone: 502/574-6000
FAX: 502/574-5306

Bowling Green Region
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Laura Tomlin, Inspector
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Phone: 270/746-7475
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Paducah Region
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130 Eagle Nest Dr.
Paducah, KY 42003
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COMPLIANCE TIPS

• consider asbestos in budget
• empower designated person
• do survey, management plan
• use qualified professionals
  • document everything